

IN HONOR OF LISA M. ANDERSON

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 26, 2000*

Mr. KUCINICH. Mr. Speaker, I rise today to pay respect to Lisa M. Anderson, a lawyer and political activist who died at the age of 34 last week.

Ms. Anderson was born in Orlando, Florida and graduated from the University of South Florida in Tampa. After college, she moved to Cleveland to attend Case Western University School of Law, where she graduated in 1996. Lisa quickly established herself as part of the community in Cleveland, as a member of the Sierra Club, Amnesty International, the Society of International Law Students, and as a mentor to international law students and first year law students.

While a student, Lisa headed a program to place foreign law students in local jobs. Upon her graduation from Case, she received the Frederick K. Cox International Law Center Award for outstanding service. As an attorney, she was admitted to the bar in both Ohio and Florida.

Lisa Anderson worked on numerous political campaigns, including my own congressional race in 1996 after her graduation from Case. In 1998, she volunteered as a driver for the U.S. Senate campaign of former Cuyahoga County Commissioner Mary O. Boyle, but was soon hired to research issues and draft position papers. In July of that year, Lisa was diagnosed with a brain tumor. She underwent surgery, and soon continued her work on the campaign from her computer at home. A favorite memento from that campaign was a picture with First Lady Hillary Rodham Clinton.

After her diagnosis, Lisa focused her attention and energy on cancer research. She participated in the Brain Tumor Lobby Day on Capitol Hill in 1999 where she visited with me and other Members of Ohio's delegation to Congress to help us focus our attention on cancer research and the needs of individuals with brain tumors. Ms. Anderson also participated in, and served on the founding board of The Gathering Place, a cancer wellness facility in Beachwood, Ohio.

I ask you to join me in expressing my deepest condolences to Lisa's family and many friends, and honoring the memory of Lisa Anderson.

JUNE CITIZEN OF THE MONTH

**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 26, 2000*

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to name Don Dreyer, the director of the Nassau County Office for the Physically Challenged, as the Citizen of the Month in the Fourth Congressional District for June 2000.

I admire Don's dedication. He has worked so hard to improve the lives of people with disabilities within our community, and nationally.

Don has served in his current position for 22 years. Being disabled, Don understands the

concerns and difficulties of physically challenged individuals. He has strongly advocated for local, state, and federal legislation to improve the independence and productivity of children and adults with disabilities.

Don was a driving force behind the passage of the Americans with Disabilities Act (ADA) of 1990. He attended the ADA signing ceremony at the White House with President Bush.

In 1996, Nassau County was named the "Model ADA Program" by the National Association of Counties. This was a great honor for Don who, along with his compliance committee, developed the innovative \$21 million project. The program works with organizations so that modifications in their policies and procedures include access by persons with visual, auditory, and other disabilities.

Don developed an outreach program to the private sector on the ADA program. Since 1984, he has been teaching members of the Nassau County Police Academy a curriculum involving their correspondence with persons with disabilities. Don presents programs to the local Chambers of Commerce, as well as hosts and produces the Cablevision series entitled, "Capabilities in Health."

I commend Don for all he has overcome and all he has accomplished. I am honored to give him this recognition he well deserves.

Don lives in Rockville Centre with his wife Barbara. He is a graduate of Hofstra University with a B.A. in English and an M.S. in Counselor Education. Dreyer has served as the Director of Media and Public Relations at the National Center for Disability Services, the Hofstra University Newsletter Editor, and the Assistant Director of University Relations at Hofstra University before becoming the director of the Nassau County Office for the Physically Challenged.

#### INTRODUCTION OF THE DEMOCRATIC RIGHTS FOR UNION MEMBERS (DRUM) ACT OF 2000

**HON. JOHN A. BOEHNER**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 26, 2000*

Mr. BOEHNER. Mr. Speaker, today I introduce the Democratic Rights for Union Members (DRUM) Act of 2000. The DRUM Act is a pro-union member bill that helps rank-and-file workers achieve greater democracy within their labor organizations. The bill amends the 1959 Labor-Management Reporting and Disclosure Act (LMRDA), also known as the "Landrum-Griffin" Act. Landrum-Griffin is the only federal statute which deals directly with the relationship between union members and union leaders.

Four decades have passed since the LMRDA became law. There is no doubt this important bill from the 1950s has improved the American workplace. Many of the workforce benefits that Americans take for granted have come from union input representing the views and wishes of hardworking American union members. However, similar to many of our other federal labor laws, there is an antiquated side to Landrum-Griffin that reduces its effectiveness. In many cases, we have seen the law manipulated or ignored by union leaders who have used their power and the financial resources of their labor organizations for per-

sonal gain. In the 105th Congress, under the direction of then-Employer-Employee Relations Subcommittee Chairman Harris Fawell, and continuing during the 106th Congress, the EER Subcommittee has held seven hearings examining in-depth the strengths and failings of Landrum-Griffin. I am happy to report that in the vast majority of American unions, "union democracy" as envisioned by the authors of Landrum-Griffin is thriving. Unfortunately, there are some cases in which union leaders have exploited the current system to the detriment of rank-and-file members.

Following the subcommittee's first four hearings, Representative Fawell introduced the Democratic Rights for Union Members (DRUM) Act of 1998 to begin the process of updating Landrum-Griffin to enhance the democratic rights of union members. The legislation I introduce today builds on Representative Fawell's bill by adding several new provisions addressing additional problems the subcommittee observed during this Congress.

#### LANDRUM-GRIFFIN BACKGROUND

Few Members of Congress or rank-and-file union members are even aware of Landrum-Griffin's "Bill of Rights." It is important to understand the foundations of union democracy before one can discuss necessary changes.

Today, Landrum-Griffin covers some 13.5 million members, in more than 30,000 unions having more than \$15 billion in assets. Congress passed the LMRDA as a response to public outcry resulting from revelations of corruption and racketeering in the labor movement. This corruption came to light in the late 1950s, during three years of hearings in the Senate Select Committee on Improper Activities in the Labor and Management Field, chaired by Senator John L. McClellan. The authors of the LMRDA believed that promoting democracy within unions would reduce corruption and strengthen the labor movement by providing union members more control over their own union affairs.

Clyde Summers, Jefferson B. Fordham Professor of Law Emeritus at the University of Pennsylvania Law School, who sat on a panel of experts convened by then-Senator John F. Kennedy to draft a union members' Bill of Rights (the basis for Title I of Landrum-Griffin), eloquently summarized the intent of the law in testimony before the EER Subcommittee on March 17, 1999:

The whole focus of the Landrum-Griffin Act was to protect the democratic rights of members as an instrument of collective bargaining. There was a guiding principle to limit governmental intervention to the minimum, to limit intervention in terms of union decision-making, to leave unions free to make their own decisions. But this was to be accomplished by guaranteeing the democratic process inside the union on the logic, the philosophy, that if the union members made these decisions on their own, that if these were democratically made, this gave a legitimacy to these decisions.

Landrum-Griffin contains six titles. The first title, the foundation upon which the rest of the legislation is constructed, contains a union member Bill of Rights mandating various rights: to information, to free speech, to free association, and to protection from undue discipline. Title II governs reporting and record-keeping by labor organizations. Title III provides a framework for trusteeships. Title IV lays out requirements for elections of union officers, including specific time frames within

which elections must be held. Title V outlines the fiduciary duties of union officers. Title VI provides a variety of additional requirements, and grants general investigatory powers to the Department of Labor.

#### THE AMENDMENTS

The bill I introduce today includes several amendments to Landrum-Griffin. Each of these changes will have a positive impact on the everyday lives of union members. Those unions that treat their members fairly will not be affected at all. The legislation introduced today is not an exhaustive list of reforms. There are other changes that Congress may want to consider in the future, but the DRUM Act represents a very productive starting point.

My bill provides: enhanced notification to union members of their rights under the LMRDA; increased authority for the Department of Labor to enforce the notification rights of union members; a requirement that governing bodies hold a hearing before imposing a trusteeship on a subordinate body; authorization for bona fide candidates for elected union office to receive a list of eligible voters; a requirement for direct election of certain authority-wielding officers of intermediate union bodies; a clarification of the term "reasonable qualifications" to allow more union members to participate in the election process; and an improved standard governing circumstances in which elections must be re-run following fraud or abuse.

#### ENHANCED NOTIFICATION RIGHTS

The DRUM Act addresses real problems that have come to the subcommittee's attention during our hearings or through recent court rulings. For example, the legislation requires unions to periodically notify all members of their Title I rights. Some unions, as incredible as it may sound, have argued that a one-time notification of rights under the LMRDA given decades ago satisfies the current law requirement to "inform its members concerning the provisions of" the Act (29 USC § 415).

This issue was the subject of a recent Fourth Circuit case. (*Thomas v. Grand Lodge of Int'l Ass'n of Machinists*, 201 F.3d 517 (4th Cir. 2000)). In *Thomas*, union members sued the International Association of Machinists to require the union to distribute to each member a summary of their rights under Landrum-Griffin. The union claimed that they had fulfilled the notification requirements in 1959 when they distributed the text of the recently-passed law. Incredibly, the district court had agreed with the union leadership despite the fact that most, if not all, of the members were not members in 1959. Fortunately, the Fourth Circuit overruled the district court, and determined that the one-time notification was not sufficient, but stopped short, however, of enumerating what "sufficient notification" entails. My bill clarifies the notification obligation, by requiring the Secretary of Labor to promulgate regulations that provide enhanced guidance to union organizations on how best to inform their members of their LMRDA rights. After all, if union members are not aware that they have rights, they will be unable to exercise them.

#### "REASONABLE QUALIFICATIONS" IN UNION ELECTIONS

An additional line of court cases prompts another provision in DRUM. There is conflicting appeals court precedent on the issue of what constitutes a "reasonable qualification"

(29 USC § 481 (e)) in order to be eligible to run for elected union office. Earlier this year, the First Circuit ruled against the Department of Labor, after the Department sued a local union over an election rule which barred 96 percent of the local's members from running for office (*Herman v. Springfield Mass. Area, Local 497, American Postal Workers Union*, 201 F.3d (1st Cir. 2000)). The court held as reasonable a requirement that union members attend three of the previous nine union meetings in order to run for office. This court decision contradicts a ruling from the D.C. Circuit in 1987, in which a union's election rule was considered unreasonable primarily because it disqualified a large percentage of union members (*Doyle v. Brock*, 821 F.2d 778 (D.C. Cir. 1987)).

In *Herman*, the Majority all but requested that the Department of Labor adopt a regulation using a specific percentage standard. I believe it is the responsibility of the Congress to enact such a requirement, rather than to require the administration to take on the nearly impossible task of interpreting Congressional intent and balancing that intent with contradictory court opinions. As such, the legislation introduced today lays out a clear standard by which election rules will be judged as reasonable or unreasonable. The legislation simply says that any rule excluding more than half of a union's members from running for office is not reasonable. This bright line will benefit union members, candidates for union office, and incumbent union leaders equally, because by removing ambiguity, we will enhance union democracy and reduce potential internal strife.

#### CONCLUSION

The workplace of the 21st Century is vastly different from that existing 40 years ago. Workers and employers are working together toward a common goal, rather than continuing the adversarial relationship which characterized the last century. This evolution in the workplace has reduced industrial strife, and has increased productivity, profits, and, most importantly, the satisfaction and pay of workers.

This same collective strategy is key to the effective operation of internal union affairs. The days of well-heeled union bosses, using their members to enrich themselves at the expense of worker advancement are quickly ending. Unions, which provide workers with camaraderie, personal support—both inside and outside the workplace—and a means to improve their lives, are enriched as members achieve true democracy within their labor organizations. Enhancing the ability of rank-and-file members to take a greater responsibility for how their union operates solidifies the positive impact unions have on the workplace and the lives of working men and women.

HONORING IRVING B. HARRIS FOR  
A LIFETIME OF ACHIEVEMENT  
ON HIS 90TH BIRTHDAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Ms. DeLAURO. Mr. Speaker, it gives me great pleasure to stand today to honor a remarkable individual who has left a lasting mark on our Nation and its children. I am hon-

ored to pay tribute to Irving B. Harris as he celebrates his 90th birthday on August 4, 2000.

Irving's leadership and commitment is inspiring. His passion and advocacy have led the fight for policy development on behalf of very young children and families, attention to the physical and mental health of pregnant women and mothers of infants and toddlers, the prevention of violence, the training of a competent infant/family work force, and the building of effective community-based programs. He is as well-respected as a leading voice for children as he is as a corporate leader. After entering the business world following his graduation from Yale University, he served with both the Board of Economic Warfare and the Office of Price Administration during World War II. He has served in executive capacities for several well-known companies, including the Toni Home Permanent Co., and the Pittway Corp.

However, Mr. Harris is best known for his commitment to improving the chances of disadvantaged children across this country. His many contributions and determined advocacy for the well-being and development of infants, toddlers, and their families are legendary. He was instrumental in creating and establishing such well-respected institutions as the Erikson Institute and the Ounce of Prevention Fund, as well as the highly ambitious Beethoven Project, which has served as models for the development of training and service programs across the country. He helped to establish Zero to Three, a national nonprofit charitable organization whose mission is to strengthen and support families, practitioners and communities to promote the healthy development of babies and toddlers. He was the moving force in the establishment of the Harris Graduate School of Public Policy Studies at the University of Chicago. His vision and leadership have earned him appointments to the National Commission on Children and the Carnegie Corporation of New York's Task Force on Meeting the Needs of Young Children. For his efforts, Irving has been awarded 10 honorary degrees.

He has been, and continues to be, a champion for children and families everywhere. It is with great pride that I rise today to congratulate Irving. I also would like to extend my sincere thanks and appreciation for his many contributions and best wishes for continued health and success. Our Nation's children thank you and wish you a happy birthday.

#### PERSONAL EXPLANATION

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. HAYWORTH. Mr. Speaker, on Thursday, July 20, 2000, I missed rollcall votes 421, 422, 423, 424, 425, 426, 427, and 428 because I was attending to congressional business in my district. Had I been present, I would have voted "aye" on rollcall vote 421, "no" on rollcall vote 422, "aye" on rollcall vote 423, "no" on rollcall vote 424, "no" on rollcall vote 425, "no" on rollcall vote 426, "aye" on rollcall vote 427, and "aye" on rollcall vote 428.